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DEPT. OF HEALTH SERVICES
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INVESTIGATIONS
MEDICAL
ASSURANCE

STATE OF CONNECTICUT

BOARD OF VETERINARY REGISTRATION AND EXAMINATION

In the Matter of:

MILAD LAWENDY, D.V.M.

MEMORANDUM OF DECISION

The Department of Health Services presented the Connecticut Board of Veterinary Registration and Examination with a Statement of Charges, dated February 13, 1985, brought against Milad Lawendy, D.V.M, the Respondent. The Statement of Charges alleged violations of § 20-202(2) of the Connecticut General Statutes committed by the Respondent during March, May, and June of 1984.

A Notice of Hearing, dated February 15, 1985, was issued to the Respondent by the Connecticut Board of Veterinary Registration and Examination. The Department's Statement of Charges was attached to the Notice. The hearing was held on March 27, 1985, at the Office of the State of Connecticut's Department of Health Services, 150 Washington Street, Hartford.

The Respondent appeared pro se and had full opportunity to present evidence and cross-examine witnesses.

All members of the Board involved in this decision attest that they have read and reviewed all transcripts of the proceedings and all evidence submitted. The decision is thus based entirely on the record presented and the specialized professional knowledge of the Board members in evaluating the evidence.

FINDINGS OF FACT

A. General Findings

1. Respondent, Milad Lawendy, D.V.M., was at all pertinent times licensed to practice veterinary medicine by the State of Connecticut Department of Health Services.

2. Pursuant to § 4-182(c) of the Connecticut General Statutes, Respondent was provided a full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license. Dept. Ex. D and E; Hearing Transcript ("H. Tr.") at 7-9.

B. Findings re: Rotko Cat

1. Florence Rotko brought her cat to Milad Lawendy, D.V.M., Respondent, in early March 1984, with symptoms of straining when trying to urinate. H. Tr. at 10, 50.

2. Respondent correctly diagnosed the cat as suffering from a urinary obstruction. H. Tr. at 25. In addition,

significant dehydration was reported by Respondent. H. Tr. at 54, 63, 73.

3. Florence Rotko gave oral consent for Respondent to perform surgery if absolutely necessary. H. Tr. at 10-11, 16-17.

4. Several days following admission, the cat died. H. Tr. at 11-12. An autopsy performed by Dr. Louis Pieper, Jr. on March 31, 1984 revealed: the dorsal and ventral attachments of the penile urethra still attached; no catheter in place; no evidence of vena puncture; and the presence of eight to twelve cystic calculi as well as a large volume of grit and sand in the urinary bladder. H. Tr. at 31-32, 34-36, 39-40.

5. Respondent did not use a catheterization procedure to remove urine prior to surgery. H. Tr. at 35-36, 81.

6. Respondent failed to detach the dorsal and ventral attachments of the penile urethra during the surgery, thus failing to release the urinary obstruction. H. Tr. at 35, 38, 46, 80-81.

7. The cat died from uremia secondary to urethral obstruction. H. Tr. at 35.

8. Respondent did not attempt to rehydrate the cat by administering an I.V. during the course of treatment. H. Tr. at 54, 75-79.

C. Findings re: Liedke Dog

1. Sara Liedke first met Dr. Milad Lawendy, D.V.M., Respondent, when she consulted him at his office in May 1984 with regard to her dog, Muffin, who was limping. H. Tr. at 84.

2. Respondent performed a trochleoplasty on the dog's left hind stifle joint, inserting five to six sutures. H. Tr. at 85, 89, 94-96.

3. After a second operation performed by Respondent, Sara Liedke consulted Dr. Howard Hochman at Brookside Veterinary Hospital. At that time the dog exhibited symptoms of limping and draining fistulas on the left hind leg. H. Tr. at 86, 93-94.

4. The dog had post-surgical infection manifested in multiple abscessation resulting from unskillful surgical technique. H. Tr. at 102.

DISCUSSION AND CONCLUSION

First Count

The Board, after reviewing all the evidence, finds that Respondent failed to correct a urinary obstruction in a cat owned by Florence Rotko. This failure, which led to the cat's death, was incompetence, unskillfulness, or gross negligence and therefore constituted a violation of § 20-202(2) of the General

Statutes of Connecticut. Although Respondent testified that he did use a catheterization procedure and did attempt to rehydrate the cat, the Board finds that other evidence contradicts these assertions.

Second and Third Counts

The Board, after reviewing all the evidence, finds that Respondent failed to perform competently the procedure described in the Second and Third Counts. This failure, which led to the cat's death, constituted a violation of § 20-202(2) of the General Statutes of Connecticut.

Fourth Count

The Board, after reviewing all the evidence, finds that Respondent performed trochleoplasty surgery on a dog owned by Sara Liedke in an incompetent, unskillful, or grossly negligent manner, thus, violating § 20-202(2) of the General Statutes of Connecticut.

Fifth and Sixth Counts

The Board, after reviewing all the evidence, holds that the use of 2-0 or 3-0 Vetafil and/or Polymid 2-0 to make internal sutures does not, in and of itself, constitute incompetence, unskillfulness, or gross negligence under § 20-202(2) of the

General Statutes of Connecticut. Accordingly the Board hereby dismisses the Fifth and Sixth Counts.

ORDER

The Board takes notice of the fact that Respondent has not complied with the requirements of a Consent Order dated November 10, 1983. (Dept. Ex. I.) Moreover, Respondent was on probation, established pursuant to said Consent Order, at the time he committed the violations specified in Counts 1 through 4. Pursuant to its authority under § 19a-17 of the Connecticut General Statutes, the Board of Veterinary Registration and Examination hereby orders the following:

(1) That Milad Lawendy, D.V.M., Respondent, have his license to practice veterinary medicine ~~suspended~~ for one year beginning at 9:00 a.m. on May 1, 1986, subject to the conditions specified in Sections (2) and (3) below.

(2) That such suspension shall be ~~stayed~~ on its effective date, and Respondent shall be placed on ~~probation~~, pursuant to Conn. Gen. Stat. § 19a-17(5), for one year beginning at 9:00 a.m. on May 1, 1986.

(3) Before the end of the probation period, that is, before 9:00 a.m. on May 1, 1987, Respondent must take and pass

the Veterinary Medicine Clinical Competency Test (CCT). The one year suspension period shall be permanently stayed if Respondent receives a passing score on the Clinical Competency Test before May 1, 1987. If Respondent is unable to pass said examination before May 1, 1987, the stay will be terminated on that date, and Respondent's license will be suspended for a one year period beginning May 1, 1987, and ending May 1, 1988.

CONNECTICUT BOARD OF
VETERINARY REGISTRATION
AND EXAMINATION

April 16, 1986
Date

By: David B. Bender, DVM
David B. Bender, D.V.M.
Acting Chairman